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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,238	07/02/2003	Tetsujiro Kondo	450100-04655	4979
<div>7590 02/28/2008</div> <div>William S. Frommer, Esq. FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue New York, NY 10151</div>				
			EXAMINER YENKE, BRIAN P	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 02/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,238

Applicant(s)

KONDO ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment (12/03/07).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all of the above is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen, US 7,003,792.

Claims 1-4, 6, 13-14 and 16-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen, US 7,003,792.

In considering claims 1 and 16-18

a) the claimed processing means for processing the content data is met by Yuen which includes a video source and a source of advertisements which are processed in accordance with a user's viewing habit/profile.

b) the claimed acquisition means...is met where the system uses a smart agent (SA) which collects information of a user to infer user's preferences and accordingly determine a user profile.

c)-d) the claimed generation means...is met where based upon the content data (video and advertisement) in accordance with the user information, determines the selection/filtering of such information to the user (col 53-67).

However, Yuen does not explicitly disclose generating the second information by performing the weighting such that a greatest weights is applied to the median of the first information.

Yuen does disclose that the smart agent uses an iterative process/means to integrate the habit, statistics and pyscho-demographic information, using equations which are weighted and include the use of probabilities.

It is also known that when evaluating/measuring/detecting a user's viewing habit/profile, the habit/profile would include many layers/parameters (i.e. sports, news, or time of day etc...) and these individuals parameters (e.g. time) may be weighted greater in selecting/filtering such information to the user (i.e. the claimed 2nd information).

The examiner maintains that the weighting of one or more pieces information greater in relation to other pieces of information is considered obvious to one of ordinary skill in the art since statistics/probabilitlies/data measurement techniques afford such uses in order to provide a user/system the ability to weight different parameters according to different weights in order to provide a desired result(s) the limitation would be obvious to one of ordinary skill in the art to implement.

In the event the applicant disagrees, the examiner would like the applicant to clarify how this feature was not possible to be carried out or unknown in the prior art in order to expedite prosecution.

In considering claims 2-3,

Refer to claim 1 above.

In considering claim 4,

Yuen discloses a user selection via input device 44.

b) the claimed control command/data input detection...is met where the system includes a viewer input device 44 which is used by the SA to control the selection/filtering of information.

c-d) the claimed wherein the generation means...is met wherein the SA based upon the user's selection determines the information that is delivered which can be matched, filtered or selected. Thus if a user spends more time enter a certain genre of information, the SA will customize the targeting using such genre (i.e. more weight for more time). By the same token if a user does not spend any time any particular genre/program/type of material, the system will not weight this material/content as much as what a user spends time watching/entering.

In considering claim 6,

Yuen discloses that based upon a user's viewing habits/profile, will provide the user information that is matched, filtered or selected based upon such habits/profile. Thus the data/features of video/audio services will be processed and delivered or not based upon the user's profile.

In considering claim 13,

Refer to claim 1 above.

In considering claim 14,

Yuen discloses a receiver with a memory in addition to the ability to download information (col 2, line 9-22) meeting the claimed storage means.

In considering claims 7-8,

Yuen does not explicitly recite the the mean/variance of image level in feature detection, although it is known that data can be analyzed in a multitude of way in order to ascertain image quality/content or change, thus the examiner takes "OFFICIAL NOTICE" regarding such.

In considering claims 9-12,

Yuen does not explicitly recite the detection of environmental information (i.e. ambient conditions). However, the concept of altering the viewing experience based upon temperature, time of day etc...are notoriously well known in the art and thus the examiner takes "OFFICIAL NOTICE" regarding such, since the inclusion of such enhances the viewing experience as previously known in the art.

In considering claim 15,

Although Yuen does not explicitly recite removable storage, Yuen does disclose a system which may operate in a computer, television environment wherein it is known to store data on a removeable media, such as a CD, DVD, etc...thus the examiner takes "OFFICIAL NOTICE" regarding such, for the obvious purpose of giving the user added portability/security of such information.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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800-PTO-9199 or 703-308-HELP

(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

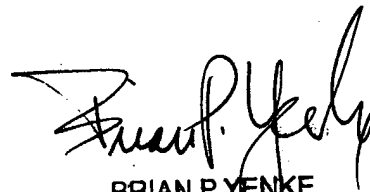
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The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.
25 February 2008



BRIAN P. YENKE
PRIMARY EXAMINER